6181383 (EJS) EJS:bcb 06/19/8 WHITE 17570-3-33

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

MATTHEW T. CARLEY and	)	
KIMBERLY ANN CARLEY,	)	
	)	
Plaintiffs,	)	
	)	
<b>v.</b>	)	No.: 08 C 1351
	)	
USAA CASUALTY INSURANCE	)	Hon. Judge Nordberg
COMPANY,	)	
	)	Magistrate Judge Brown
Defendant.	)	

## AGREED MOTION FOR PROTECTIVE ORDER

NOW COMES defendant, USAA CASUALTY INSURANCE COMPANY ("USAA"), by and through its attorneys, STELLATO & SCHWARTZ, LTD., and pursuant to Federal Rule of Civil Procedure 26(c), moves this Honorable Court to enter the Protective Order attached hereto as Exhibit "A". In support hereof, defendant states as follows:

- 1. Plaintiffs, MATTHEW T. CARLEY and KIMBERLY ANN CARLEY ("the Plaintiffs"), filed a Complaint against USAA, alleging that USAA breached the policy of insurance issued to the Plaintiffs for the period May 25, 2006 to May 25, 2007 under policy No. CIC 01605 63 34 91A ("the USAA Policy"). Plaintiffs bring a cause of action for breach of contract (Count I) and a cause of action pursuant to Section 155 of the Illinois Insurance Code (215 ILCS § 5/155) (Count II).
- 2. On May 28, 2008, Plaintiffs issued a Request for Production of Documents to USAA pursuant to Federal Rule of Civil Procedure 34. Certain of the Requests for Production seek USAA's confidential manuals, operating guidelines, regulations, claims management policies,

procedures, recommendations and other related documents.

3. Federal Rule of Civil Procedure 26(c) allows the court on motion of any party to make

a protective order limiting, conditioning or regulating discovery.

4. Because of the confidential nature of certain documents requested by Plaintiffs in

their Request for Production of Documents, the parties have agreed to request this Court to enter the

Protective Order attached hereto as Exhibit "A" in order to properly regulate the disclosure of those

confidential materials.

WHEREFORE defendant, USAA CASUALTY INSURANCE COMPANY, prays for entry

of the Protective Order attached hereto as Exhibit "A", as agreed by the parties.

Respectfully Submitted,

STELLATO & SCHWARTZ, LTD.

By: /s/ Esther Joy Schwartz

Esther Joy Schwartz

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